IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL.

Writ Petition No. 472(S/B) 2003

Naresh Giri Goswami …..……. Petitioner

Versus

Union of India.
Through Director General/Chairman,
Ordnance Factory Board,
Kolkota & Others. ……. Respondents

Mr. Narayan Dutt, Advocate for the Petitioner.
Mr. Rakesh Tahpliyal, Advocate for the respondents.

Coram: Hon. S.H.Kapadia, C.J.
Hon. Rajesh Tandon, J.
Date: 23.09.2003:

PC:

Petitioner was appointed as a wireman (semi-skilled) on 3rd October, 1988. On 15th October 1990 he was promoted as a wireman (skilled). On 31st December 1991 a seniority list of wireman (skilled) was issued in which he was shown at Sl. No. 4 after Ramesh Chandra (Respondent No. 4). On 26th March, 1993, the petitioner passed his exam for the post of Electrician. He was shown at Sl. No. 9 in the seniority list of Electrician (skilled) once again after (Respondent No. 4) Shri Ramesh Chandra. On 31st August 1995 another seniority list was issued in which he was shown at Sl. No. 7 after Shri Ramesh Chandra. The grievance of the petitioner is that in 1995 Ramesh Chandra was promoted in H.S. Grade-II but the petitioner was not promoted. According to the petitioner, no opportunity was given to him to appear for the practical test, that opportunity was given to him to appear for the test only in 1997 which he passed. Therefore, the petitioner filed the Claim Petition before Central Administrative Tribunal by which he has claimed his seniority over Ramesh Chandra.

By the impugned order, the Tribunal has come to the conclusion that the claim Petition was filed barred by delay and laches. The Claim Petition was filed in 2002 in which petitioner claims his seniority over

Ramesh Chandra from 1991 or in any event from 1995. Therefore, the Tribunal has rejected the petition on the ground of delay and laches.

The above facts show that the petitioner has not been vigilant. He has slept over his rights. We do not see any reason to interfere with the seniority list in this case. The Tribunal was right in its conclusions, saying, "the claim of the petitioner is stale."

Hence, writ petition is rejected.

(Rajesh Tandon, J.) **(S.H. Kapadia, C.J.)**

HN